



Notice to the Profession

The Chief Justice has authorised the issue of the following notice.

In Person Hearings

From 26 October 2021, with the exception of criminal jury trials¹ in person hearings in the Court of Appeal, Criminal Division, Commercial Court and Common Law Divisions may be permitted by exception where there are special reasons why a virtual hearing is not practicable.

Consideration of exceptions will also take into account the availability of a courtroom and appropriate safeguards with respect to the following:

- A limit on the number of persons attending the court assessed by reference to the functionality of the courtroom and applicable density and distancing requirements governing both the courtroom and the court building.
- Commonly, in person participants may be limited to court staff, counsel, solicitors and the witness under examination from time to time.²
- Staggered start times to minimise attendees interacting with other persons at the Court may apply.
- All attendees using a specified entrance and exit within specified times.
- Physical distancing and mask wearing in accordance with public health directions.
- The acknowledgement of the parties that the trial may need to be completed virtually if there is a change in COVID-19 related circumstances.

Applications by email for in person hearings in the Court of Appeal should be sent to coaregistry@supcourt.vic.gov.au

In the Trial Division, applications should be made by submitting an '[In person hearing application form](#)' by email to the relevant address noted in the form.

All other parties should be copied on the email.

¹ Separate arrangements will be in place in respect of criminal jury trials. Parties in criminal trials will be contacted about the applicable arrangements on a case by case basis.

² Subject to the availability of the necessary technology, hearings may be streamed or links provided to permit other persons to observe or participate.

Exceptions for in person hearings in the Court of Appeal, with the appropriate safeguards, will be confirmed by a Judicial Registrar. In the Trial Division, the principal judge of the relevant division will provide such confirmation.

All persons attending in person at Court venues are strongly encouraged to be vaccinated for COVID-19.

The Court is making arrangements as a pilot for periodic sentinel rapid antigen testing for those attending on site. Testing will be on a voluntary basis but individuals are strongly encouraged to take up the opportunity when it is offered.

This Notice replaces the Notice to the Profession issued on 17 May 2021.

Vivienne Macgillivray

Executive Associate to the Chief Justice

21 October 2021